

Sisk, Richard

From: Schmittdiel, Paula
Sent: Monday, April 08, 2013 2:25 PM
To: Farrell, Lisa - Environmental Health; celia.vanderloop@denvergov.org; Fonda Apostolopoulos; doug.jamison@state.co.us; Jennifer Robbins; Sisk, Richard; Chergo, Jennifer; Works, John; Wharton, Steve; Murray, Bill; Hestmark, Martin; Stavnes, Sandra
Subject: Summary Notes of April 5, 2013 Meeting
Attachments: City of Denver Meeting Notes 040513 (2).docx



All – Attached is a summary of the key points and action items that EPA captured from the meeting. Please review and let me know if there are key points or action items that we missed.

Lisa – I do not have email addresses for Shaun Sullivan or Doug Linkhart. Could you please forward this email to them.

Thank you.

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City of Denver Meeting Notes, 04/05/13

Discussion Points:

- One of the City's main concerns was whether EPA would return following this construction season, if a property owner was willing to give access for sampling and/or cleanup.
- The EPA stated that, if those situations arose, we would explore what could be done. Martin Hestmark committed to working with the State to see whose resources would allow sampling and/or cleanup, but he could not make a firm commitment due to the uncertainty about future budgets.
- The EPA reviewed the current project schedule and the fact that the currently available funding would likely go away after this year, so this is our best opportunity to address these properties.
- The City also was concerned about what EPA could do about the Notice of Environmental Conditions, if the property was later sampled and/or cleaned up. The EPA committed to filing a new Notice with the CCOD property records office to "negate" the 1st Notice.
- A question was raised about the average cost of sampling and the average cost of cleanup of a property. The EPA provided rough estimates of these costs.
- The City raised the question of whether the EPA could establish a separate fund for future sampling/cleanup, but Bill Murray explained that this was not possible – especially in these times of decreasing budgets. This is possible, only if there is a settlement that provides funds to establish a special account.
- Someone brought up the ASARCO special account, which at this time is restricted for use only at OU-02. Richard Sisk pointed out that, if the Administrative Order on Consent (AOC) with the City was modified, some of the ASARCO special account could be allocated to OU-01.
- The City expressed interest in doing more outreach to these neighborhoods. The timing of this outreach needs to be clarified (i.e., prior to the letters going out or afterward???)
- The DEH needs to meet with 2 of its council persons for OU-01 and brief them on the EPA-City meeting.

Action Items:

1. The EPA will send City/State the planned project schedule for their feedback.
2. The EPA will send City/State the draft letters – both 1st letter & 2nd letter for both sampling & cleanup for their review and comment.
3. The EPA will send City/State the database of non-responsive properties – with names, addresses, etc., as the City expressed interest in making "one last ditch" effort to gain access from these property owners.
4. The EPA will draft an example of the follow-up Notice of Environmental Conditions, for those instances where the property is sampled and/or cleaned up to "negate" the 1st Notice. The EPA will send a copy to both City/State for their review and comment.
5. The EPA will draft a letter to the City regarding EPA's commitment to do what it can to deal with unresolved properties in the future, when a property owner subsequently provides access.
6. The EPA will review the ASARCO special account for OU-02, to determine the amount remaining in the account and what changes to the AOC would be necessary to allow the City to use a portion of these funds at OU2.
7. The EPA will draft a Communication Strategy for communicating with affected citizens, the City and State in the future, especially if circumstances arise regarding opposition to EPA's filing of Notices of Environmental Conditions on unresolved properties.
8. The City committed to reviewing and providing comments on the schedule, letters and Notices within 2 weeks of their receipt of these documents.